

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Steven SILGUERO

Defendant(s)

Case No.

20-MJ-2016

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

DEC 8 2020

MITCHELL R. ELFERS
CLERK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 2, 2020 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:*Code Section*

18 U.S.C § 922 (g)(1) and 924

Offense Description

Felon in Possession of a Firearm and/or Ammunition

This criminal complaint is based on these facts:

Plase see attached affadavit

☒ Continued on the attached sheet.*Complainant's signature*

Paul Jessen, Task Force Officer FBI

Printed name and title

Sworn telephonically, and signed electronically.

Date: December 8, 2020*Judge's signature*City and state: Albuquerque, New Mexico

The Honorable John Robbenhaar, Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT & ARREST WARRANT

I, Paul Jessen, being duly sworn, depose and say:

1. I have been a law enforcement officer for approximately 8 years, serving as a Bernalillo County Sheriff's Deputy, detective, and as a Task Force Officer with the Federal Bureau of Investigation. I am currently assigned to the FBI Violent Crime Task Force (VCTF) where I primarily investigate violent repeat offenders, armed robberies, kidnappings, and FBI fugitives. Over the past 8 years, I have arrested hundreds of individuals for offenses related to drug distribution, gang crimes, firearm violations, armed robbery, carjacking, assault, and other related crimes.

Charges

2. This affidavit is submitted in support of a criminal complaint and arrest warrant charging Steven SILGUERO (born in 1989) with felon in possession of a firearm and/or ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924.

Background:

3. SILGUERO's felony convictions include:
- a. Possession of Marijuana with Intent to Distribute in 2009 (D-202-CR-2008-05750);
 - b. Conspiracy to Commit Armed Robbery in 2012 (D-202-CR-2011-02912); and
 - c. Trafficking Heroin and Conspiracy to Commit Trafficking in 2013 (D-202-CR-2012-03929).

Investigation:

4. On December 2, 2020, at approximately 1654 hours, Deputies with the Bernalillo County Sheriff's Office (BCSO) were dispatched to the Circle K gas station located at 3440 Isleta Blvd SW in reference to a disturbance. The calling party stated that a male subject wearing a black jacket, black shirt, gray pants, and carrying a guitar case was having an "episode" inside the gas station.

5. Deputies arrived on scene and made contact with a male subject, later identified as Steven SILGUERO, inside of the store. Deputies stated that SILGUERO matched the exact description of the individual given by the calling party and was observed to also be wearing a guitar case backpack.

SILGUERO was asked to exit the store to speak with deputies to which he complied. SILGUERO placed his guitar backpack on the ground and leaned it up against a wall while deputies conducted a Terry pat of his person for weapons. As deputies spoke with SILGUERO, they further observed that the soft guitar case was not rigid as it would be if a guitar were inside.

6. SILGUERO advised deputies that he believed people were following him and that he needed help. Deputies asked SILGUERO if he wanted any medical attention to which he denied assistance. Deputies then offered to drive SILGUERO to the area of Coors Blvd SW and Central Ave SW to which he agreed.

7. Deputies then placed SILGUERO in the back seat of a marked patrol unit and began gathering his belongings to take with him. As deputies attempted to pick up the guitar case by the area of where the neck of the guitar would be, deputies felt an object that was immediately apparent to them as a pump action shotgun. Deputies then opened the main compartment of the guitar case to ensure that the firearm was in a safe condition while transporting it with SILGUERO. In doing so, deputies were able to verify that the firearm was a pump action shotgun and was not in a safe condition. Deputies found that there was a 12 gauge shell in the chamber of the firearm and the safety was off. The shotgun was later identified as a black Stevens Model 320 12 gauge shotgun and the buttstock was chopped off and made into a short handle. It should be noted that the serial number of the shotgun was completely obliterated.

8. Deputies were able to positively identify SILGUERO utilizing local law enforcement databases and found that SILGUERO is a convicted felon. SILGUERO was then placed under arrest for felon in possession of a firearm and a search of his person incident to arrest was then conducted. During this search, Deputies located a glass pipe with white residue in his front left pocket and an unspent shotgun shell in the right front pocket of his jacket. More unspent 12 gauge ammunition were also located in the magazine tube of the shotgun and in the guitar case. In total, Deputies located 25 unspent shotgun shells.

9. Deputies then spoke with the original calling party, K.H., who is an employee at the Circle K gas station. K.H. advised Deputies that SILGUERO asked her and her co-worker if he could use the bathroom and then voluntarily stated to K.H. that he is a felon. SILGUERO then stated to K.H. that he "had his strap on him," which Deputies knew was a slang term for a firearm through their training and experience.

10. Deputies then read SILGUERO his rights per Miranda to which he understood and agreed to answer questions without a lawyer present. SILGUERO confirmed that he told the Circle K employees that he is a felon and that he is "strapped." SILGUERO further admitted that he knows that he is a felon and is aware that he is not allowed to be in possession of firearms or ammunition. SILGUERO further made statements that he carries the firearm for protection due to his fear that there is a bounty out for him.

Interstate Nexus

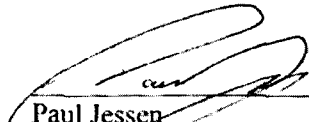
11. Based on my training and experience, I know that Stevens brand firearms are manufactured outside the State of New Mexico and the specified handgun meets the federal definition of a "firearm."

12. Based on my training and experience, I also know that that ammunition, and its components are manufactured outside of the State of New Mexico.

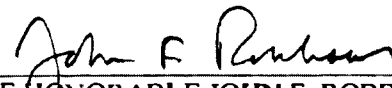
Conclusion:

13. Based on the information contained herein, I believe probable cause exists to charge SILGUERO with violations of 18 U.S.C. §§ 922(g)(1) and 924 (felon in possession of a firearm and/or ammunition). This affidavit has been reviewed by Supervisory Assistant United States Attorney Jack Burkhead of the District of New Mexico.

Respectfully submitted,


Paul Jessen
FBI Task Force Officer

TELEPHONICALLY SUBSCRIBED AND SWORN TO BEFORE ME ON DECEMBER 8, 2020:


THE HONORABLE JOHN F. ROBBENHAAR
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF NEW MEXICO